

REMARKS

I. OBJECTIONS TO CLAIMS

Claim 13 has been amended to eliminate the duplication of Claim 11. Claim 13 has been amended to depend from Claim 12, which has different limitations compared to Claim 10 from which Claim 11 depends. Because the limitations of Claim 11 and Claim 13 differ, Claim 11 and Claim 13 are not duplicates.

Claim 18 has been amended to depend from Claim 17. Because Claim 16 depends from Claim 1 which has different limitations compared to Claim 10, Claim 18 does not duplicate Claim 16. Claim 30 is not a duplicate of Claim 11 or 13 because it depends from Claim 22 and not Claim 1. Because Claim 30 includes all the limitation of independent Claim 22, which differs from the limitations of Claim 1, Claim 30 does not duplicate Claim 11 or Claim 13.

Claim 32 has been amended to depend from Claim 31 and because Claim 32 includes the limitation of Claim 31 its limitations differ from Claim 30. Claim 32 is not a duplicate of Claim 31. Claim 37 has been amended to depend from Claim 36. Because Claim 35 depends from Claim 22 which has different limitations compared to Claim 36, Claim 37 is not a duplicate of Claim 35.

II. REJECTION UNDER 35 U.S.C §112

Claims 1 – 42 have been amended to eliminate the acronyms AAA and AVP. AAA has been amended to read “Authentication, Authorization, Accounting” and AVP has been amended to read “Attribute Value Pair.”

Claim 20 has been amended to provide proper antecedent basis by clarifying that “the returned information” is “returned service level agreement information.” The amended claim term has proper antecedent basis in Claim 1.

III. REJECTION UNDER 35 U.S.C §102

The Examiner rejected Claims 1, 2, 4, 6, 20-23, 25, and 40-42 for anticipation under 35 U.S.C. §102(e) based on the prior art reference U.S. Patent 6,728,526 to Basilier et. al (hereafter “the ‘526 Patent”). Under 35 U.S.C. §102, the prior art must disclose each and every claim element for an invention to be anticipated by prior art.

Constant v. Advanced Minor-Devices, Inc., 848 F. 2d 1560 (Fed. Cir. 1988). All claim limitations of the invention must also be considered in determining patentability.

Hewlett-Packard Co. v. Bausch & Lomb, Inc., 909 F. 2d 1464 (Fed. Cir. 1990).

Almost is not enough; the prior art must disclose all the elements. *Connell v. Sears, Roebuck & Co.*, 722 F. 2d 1542 (Fed. Cir. 1983). Accordingly, the absence of any claimed element negates anticipation under 35 U.S.C. §102.

The independent Claims 1, 22, and 42 have been amended to clearly distinguish the invention from the ‘526 Patent. In the invention, service level agreement (SLA) information for establishing security associations between Authentication, Authorization, Accounting (AAA) servers on a home network and foreign networks are obtained from an AAA broker server. This eliminates the requirement for each network to establish SLAs with every other service provider and network that a mobile node communicates while roaming among the different supported networks to establish encrypted information packet communication. The

AAA broker server operates as a consortium of agreements between various networks and service providers. By using the AAA broker server, the home network has to establish one relationship with the AAA broker server to gain access to all the SLAs on the AAA broker server. The home and supported networks can then use the SLA to create security associations for encrypted information packet communication. Each of the independent claims have been amended to include the limitation of SLA information.

The ‘526 Patent does not use broker servers for obtaining SLA information to establish security associations for encrypted information packet communication. The ‘526 Patent does not suggest, teach, or disclose using the AAA broker server to provide, store, or obtain service level agreements for establishing security associations. None of the functions for an AAA server in the ‘526 Patent relate to establishing an encrypted communication between a mobile node, a home network, and a foreign network. Because the functional use of an AAA broker server as a consortium of SLAs to establish secure communication between various networks and service providers is not taught, suggested, or disclosed by the ‘526 Patent, the ‘526 Patent cannot properly support a §102(e) rejection. Accordingly, because all claim elements of the independent Claims 1, 22, and 42 in invention are not disclosed in the cited prior art, the Applicants respectfully request reconsideration of independent Claims 1, 22, and 42 and the other dependent claims in light of these comments.

IV. REJECTION UNDER 35 U.S.C §103

The Examiner rejected Claims 3, 14, 19, 33, 38, and 39 for obviousness under 35 U.S.C. §103(a) based on the ‘526 Patent prior art reference. Claims 5, 7 – 13, 15 – 18, 24, 26 – 32, and 34 – 37 were rejected for obviousness under 35 U.S.C. §103(a) based on the ‘526 Patent and U.S. Patent 6,466,977 to Sitaraman et al. Because the unamended independent Claims 1, 22, and 42 were not rejected under §103(a) and as amended contain additional limitations distinguishing the invention from the ‘526 Patent, these independent claims are not obvious in light of the cited prior art. The rejected dependent claims contain all the limitations of these base independent Claims 1, 22, and 42. Because the rejected claims contain all the limitations of the independent claims, neither cited reference can support an obviousness rejection under §103 for the claims depending from Claims 1, 22, and 42. Therefore, it is respectfully suggested that the Examiner’s obviousness rejection based upon the cited prior art references is improper.

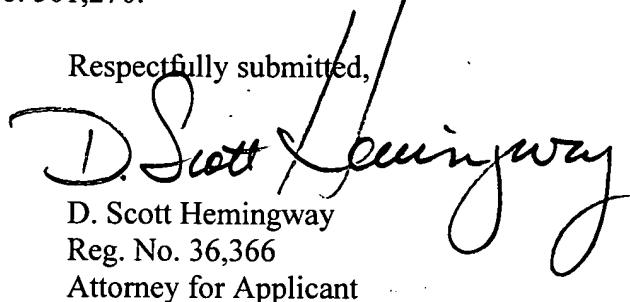
V. CONCLUSION

The Applicants respectfully request reconsideration of the present application because the Examiner’s 35 U.S.C. §§ 112, 102(e), and 103(a) rejections are believed to have been traversed by the present Response. Independent claims 1, 22, and 42 as amended are believed allowable because the cited prior art fails to disclose, teach, or suggest all the claimed elements. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable. Accordingly, pending claims 1-42 are believed allowable because

the claimed invention is not disclosed, taught, or suggested by the cited prior art.

It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,



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